

“बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई. दिनांक 30-05-2001.”



पंजीयन क्रमांक  
“छत्तीसगढ़/दुर्ग/09/2013-2015.”

# छत्तीसगढ़ राजपत्र

(असाधारण)  
प्राधिकार से प्रकाशित

क्रमांक 373 ]

रायपुर, गुरुवार, दिनांक 2 जून 2022 — ज्येष्ठ 12, शक 1944

विधि और विधायी कार्य विभाग  
मंत्रालय, महानदी भवन, नवा रायपुर अटल नगर  
HIGH COURT OF CHHATTISGARH, BILASPUR

Bilaspur, the 13th April 2022

## MEMO

No. 4953/Rules/2022.— With reference to the subject cited above, it is to inform you that High Court of Chhattisgarh has been pleased to recommend the following amendments in the Chhattisgarh Civil Courts Rules, 1961 :-

## AMENDMENTS

In the said Rules:-

### 1. After the Rule 138 (3), the following shall be added :-

"(4) In suits relating to delivery of possession, the court must examine the parties to the suit under Order X in relation to third party interest and further exercise the power under Order XI Rule 14 asking parties to disclose and produce documents, upon oath, which are in possession of the parties including declaration pertaining to third party interest in such properties.

(5) (i) The Court may issue public notice specifying the suit property and inviting claims, if any, that any person who is in possession of the suit property or claims possession of the suit property or has any right, title or interest in the said property specifically stating that if the objections are not raised at this stage, no party shall be allowed to raise any objection in respect of any claim he/she may have subsequently.

(ii) Affix such notice on the said property.

(iii) Issue such notice specifying suit number etc. and the Court in which it is pending including details of the suit property and have the same published on the official website of the Court.

(6) In appropriate cases, where the possession is not in dispute and not a question of fact for adjudication before the Court, the Court may appoint Commissioner to assess the accurate description and status of the property.

(7) After examination of parties under Order X or production of documents under Order XI or receipt of commission report, the Court must add all necessary or proper parties to the suit, so as to avoid multiplicity of proceedings and also make such joinder of cause of action in the same suit."

**2. After rule 143, the following shall be added:-**

**"143A:** Under Order XL Rule 1 of CPC, a Court Receiver can be appointed to monitor the status of the property in question as custodia legis for proper adjudication of the matter.

**143B:** In a suit for payment of money, before settlement of issues, the defendant may be required to disclose his assets on oath, to the extent that he is being made liable in a suit. The Court may further, at any stage, in appropriate cases during the pendency of suit, using powers under Section 151 CPC, demand security to ensure satisfaction of any decree."

**3. The existing Rule 165 shall be marked as 165(1) and subsequent to which the following shall be added:-**

**"165(2) :** The Court must, before passing the decree, pertaining to delivery of possession of a property ensure that the decree is unambiguous so as to not only contain clear description of the property but also having regard to the status of the property."

**4. After sub-rule (3) Rule 184, the following shall be added :-**

**"(4) :** The Executing Court must dispose of the Execution Proceedings within six months from the date of filing, which may be extended only by recording reasons in writing for such delay."

**5. After Rule 184, the following shall be added:-**

"184 (A) : Under Section 60 of CPC the term"...in name of the judgment-debtor or by another person in trust for him or on his behalf" should be read liberally to incorporate any other person from whom he may have the ability to derive share, profit or property."

**6. The existing Rule 186 shall be marked as 186(1) and subsequent to which the following shall be added:-**

"186(2) : Without prejudice to the provisions contained under Order XXI of the Code of Civil Procedure, 1908 a decree for payment of the money shall be executed on oral application, by the Court."

**7. After rule 204, the following shall be added:-**

"204A: The Court exercising jurisdiction under Section 47 or under Order XXI of CPC, must not issue notice on an application of third-party claiming rights in a mechanical manner. Further, the Court should refrain from entertaining any such application(s) that has already been considered by the Court while adjudicating the suit or which raised any such issue which otherwise could have been raised and determined during adjudication of suit if due diligence was exercised by the applicant.

204B: The Court should allow taking of evidence during the execution proceedings only in exceptional and rare cases where the question of fact could not be decided by resorting to any other expeditious method like appointment of Commissioner or calling for electronic materials including photographs or video with affidavits."

**8. In the Rule 232(1), for the words and parenthesis:- "make a request through the District Judge.....before the request is forwarded." the following shall be substituted :-**

"direct the concerned Police Station to provide police assistance to such officials who are working towards execution of the decree."

**9. In the Rule 264(1), after the words and parenthesis "taking evidence in the ordinary way", the following shall be added :-**

"In addition to this, the Court may also appoint a receiver under Order XL Rule 1 to secure the status of the property during the pendency of the suit or while passing a decree."

It is, therefore, requested to get the above amendments notified in the Official Gazette of Government of Chhattisgarh after due and appropriate approval. A copy of the Gazette be made available to this Registry.

Sd/-

(Sanjay Kumar Jaiswal)  
Registrar General.